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II. REMARKS

Claims 1-43 are pending. Applicant has amended claims 14-43 for the sole purpose of correcting a numbering error in the claims. The claims have not been amended for purposes of patentability.

The Examiner has rejected all of the claims under either 35 U.S.C. 102 or 35 U.S.C. 103 in light of various combinations of U.S. Patent No. 4,856,066 to Lemelson; U.S. Patent No. 6,072,862 to Srinivasan; U.S. Patent No. 5,193,110 to Jones; and U.S. Patent No. 5,479,488 to Lennig. Applicant requests reconsideration of the pending claims in light of the following remarks.

A. Appropriateness Of "Final Office Action"

The Examiner has rejected several of the pending claims based upon Lemelson. The Lemelson reference was not cited by the Examiner in his first Office Action dated January 16, 2003. The Examiner has cited MPEP 706.07(a) in support of his designation of this Office Action as being "final", stating that "Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action." *See*, Office Action, p.25. Applicant respectfully disagrees.

In Applicant's Response to the Examiner's January 16, 2003 Office Action, Applicant amended claim 1 in response to the Examiner's original rejection under 35 U.S.C. 112 relating to an improper antecedent basis. Applicant amended "message" to be "corresponding message." In making the amendment, Applicant specified that the amendment was for purposes of curing the §112 antecedent basis problem.

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Applicant respectfully submits that the Examiner's reliance upon Lemelson, which was not cited in the Examiner's original Office Action, was not necessitated by Applicant's amendment. Accordingly, Applicant requests that the Examiner treat the current Office Action as Non-Final.

B. Rejections Under §102 and §103

The Examiner has rejected all of the pending claims under either §102 or §103 in light of various combinations of Lemelson, Srinivasan, Jones, and Lennig. Applicant submits that all of the pending claims are allowable over the cited prior art because none of the cited references disclose at least one of the elements recited in each of the pending claims.

1. The Pending Claims

Each of the pending claims is directed to or includes a system or method for accessing a destination party address based upon a destination party address type provided by a calling party. In an exemplary embodiment described in the specification of the pending application, a calling party (a person sending a message) audibly specifies a destination party identification (such as a person's name) and a destination party address type (such as, "email", "voice mail", "facsimile", "beeper", etc.). Based upon these two pieces of information, a destination party address (e.g., an email address, a telephone number, a facsimile number, a beeper number, etc.) is accessed. The retrieved destination party address may be used for various purposes, depending upon the various embodiments of the invention, such as to send a message to the device (e.g., email, voice mail, facsimile, beeper, etc.) associated with the

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identified person (the destination party). Thus, in each of the pending claims, the destination party address queried is based upon at least the destination party address type, which is specified by the calling party. None of the cited prior art references teach this concept.

Independent claim 1 recites:

A voice processing unit configured for recording a destination party identity and *a destination address type, spoken by calling party*, for a corresponding message;

A speech recognition unit for outputting data corresponding to identified words spoken by the calling party; and

A master control unit configured for *generating a destination address query for an identified directory database in response to identification of the destination party identity and the destination address type* by the speech recognition unit, wherein the master control unit, in response to receiving a destination address reply from the identified directory database, selectively initiates a transfer of the message to the destination party based on the destination address reply.

(emphasis added). Thus, in claim 1, a calling party speaks a destination party identity (such as, for example, a person's name) and a destination address type (such as, for example, "email", "voice mail", "facsimile", "pager", etc.). A destination address is accessed based upon the destination party identity and the destination address type. Further, in claim 1, a message is sent to the destination address.

Independent claim 15 recites:

a central office switching system configured for receiving a line-sided connection with a calling party;

a unified message platform system comprising a speech recognition unit for identifying *a destination party identity and a destination address type based on respective speech samples supplied by the calling party* via the line-sided connection, the unified message platform *outputting a*

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destination address query based on the destination party identity and the destination address type;

a directory database for storing destination addresses for respective destination parties based on destination address type, the directory database generating a directory response based on reception of the destination address query; and

a data network for transporting the destination address query and the directory response between the unified message platform system and the directory database according to a prescribed data network protocol.

(emphasis added). Thus, claim 15 recites generating a directory response based upon a destination party identity and a destination party address type, both of which being audibly supplied by the calling party.

Independent claim 24 recites a method that includes the steps of “processing speech samples spoken *by the calling party* on the line-sided connection *to identify a destination party and a destination address type...*and accessing a directory database via a data network for retrieval of the destination address corresponding to *the destination party and the destination address type.*” Similarly, independent claim 34 recites a unified message platform system, including “a speech recognition unit *for identifying a destination party and a destination address type* from respective speech inputs provided by the calling party...” and “a directory access system for accessing destination address information for the destination party *based on the corresponding destination address type...*” Therefore, claims 24 and 34 both recite accessing a destination address based at least upon a destination address type.

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2. Lemelson

The Examiner has rejected claims 1, 2 and 43 under §102 in light of Lemelson. The Examiner has also rejected claims 3-7 and 11-14 under §103 in light of Lemelson as modified by Jones. Applicant submits that neither Lemelson nor Jones teaches the concept of accessing a destination address based at least upon a destination address type provided by a calling party.

Lemelson, which the Examiner asserts discloses this feature, is directed to a system that allows a calling party to compose and deliver a message over a telephone system without the need to dial a telephone. The calling party speaks select words into a microphone, and those select words are analyzed to generate code signals, which are used to query a database to generate messages. In similar fashion, the calling party speaks the identity of the destination party, which is analyzed and used to determine the destination for the message.

The Examiner contends that Lemelson teaches receiving a destination address type from a calling party and using the destination address type to access a destination address, as recited in the pending claims. In support thereof, the Examiner points to Lemelson's statement that "...[T]he destination or name of the person to which the message is to be sent may be spoken into the microphone to generate a respective code defining same ..." Applicant submits that this sentence does not teach or suggest receiving a destination address type from the calling party, and using the destination address type to access a destination address. To the contrary, Lemelson discloses that the calling party specifies the identity of the destination party (i.e., the "destination or the name of the person..."), but Lemelson fails to disclose the calling party specifying a particular address type (e.g., email, voice mail, facsimile, pager, etc.) of the

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destination party. Lemelson does not teach or suggest that a calling party can direct his/her message to any one of a number of different message devices controlled by the destination party. To the contrary, Lemelson suggests that messages generated according to his invention would only be audible, such as voice mail messages:

A speech recognition computer is employed which recognizes speech signals generated on the output of a microphone and generates coded electrical signals which are applied to compose and/or record the message and define or compose additional messages or portions of the signals which define the message, to identify the sender or sending station, the recipient or recipients and their locations as well as switching signal which are employed to automatically route or transmit the message over a switching network to the one or more intended recipients thereof, *thus eliminating the need to send and receive printed matter or to operate a manual device*, such as a keyboard or typewriter. (emphasis added).

Since Lemelson teaches that his invention "eliminate[es] the need to send *and receive* printed matter...", Lemelson does not teach the ability of the calling party to direct his/her message to different *types* of devices controlled by the destination party.

For at least the reasons set forth above, Applicant respectfully submits that claims 1-7, 11-14, and 43 are allowable over Lemelson and Jones.

3. Srinivasan

The Examiner has rejected claims 15-19, 20-33, and 34-42 under §103 in light of Srinivasan as modified by Lennig and/or Jones. With respect to each claim, the Examiner relies upon Srinivasan for allegedly teaching the recited element of accessing a destination party address based at least in part on a destination address *type*, specified by the calling party. Applicant respectfully disagrees.

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Applicant has provided a detailed discussion of the Srinivasan reference in Applicant's prior Response (dated April 16, 2003), and Applicant will not repeat most of it here. Applicant points out, however, that Srinivasan is directed to a system that allows a destination party (the party for whom a message is to be left) to access his/her messages using a variety of different methods (e.g., facsimile, email, voice mail, pager, etc.) irrespective of the method used by the calling party leave the original message (e.g., facsimile, email, voice mail, pager, etc.). For example, if a calling party sends a fax to the destination party, the destination party can receive the information contained in the fax via fax, email, voice mail, pager, etc., *depending on the destination party's choice*. Similarly, if a calling party sends an email to the destination party, the destination party can receive the information in the email via fax, email, voice mail, pager, etc., *depending on the destination party's choice*. However, there is no teaching in Srinivasan that the *calling party* (the party leaving the message) specifies the type of device on which the destination party receives the message. There is no teaching in Srinivasan that a desired destination address *type* (e.g., facsimile, email, voice mail, pager, etc.) is received from the *calling party* (whether orally or otherwise) and used to access a destination party address.

The Examiner points to column 4, lines 49-61 of Srinivasan for this alleged teaching. See, Office Action, p.10. Specifically, the Examiner paraphrases the teaching of these lines in Srinivasan as "The calling party needs to know a subscriber telephone, identification *and* the type of message to be sent to the subscriber" *Id.* (emphasis added). The Examiner has misinterpreted the teaching of Srinivasan. The Srinivasan reference *actually* states that a "calling party (12) need only know a single subscriber telephone, identification, *or* access number to leave any kind of

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message...” *See*, Srinivasan, col. 4, lines 50-52 (emphasis added). Thus, Srinivasan teaches that a calling party may call a single number to leave a message using any one of a number of different communication devices, and, a destination party (a message-receiving party) can similarly access that message using any one of a number of different communication devices. But Srinivasan does not teach that the calling party needs to know a “subscriber telephone, identification, *and* the type of message to be sent...”, as understood by the Examiner, or that the calling party specifies an address *type*, as recited in each of the pending claims.

In sum, each of the pending claims recites the concept that the calling party (the party sending the message or accessing the database) specifies the address type that he or she seeks (e.g., facsimile, email, voice mail, pager, etc.), and that a destination party address corresponding to the specified address type is accessed. The Srinivasan system simply does not teach the ability for a calling party to access different specified address types for a given destination party.

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Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited.

Any fees associated with the filing of this paper should be identified in any accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 18-0013 in the name of Rader, Fishman & Grauer PLLC.

Respectfully submitted,

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